

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONATHAN VALENTINE

Defendant.

8:18CR102

ORDER

This matter is before the Court on the Motion for Leave to Proceed In Forma Pauperis on Appeal, ECF No. 93, and the Motion to Appoint Counsel, ECF No. 94, filed by Defendant Jonathan Valentine. For the following reasons the Motion for Leave to Proceed In Forma Pauperis is granted and the Motion to Appoint Counsel is denied.

“A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization” Fed. R. App. P. 24(a)(3). Valentine was permitted to proceed in forma pauperis in the underlying action, and therefore may proceed in forma pauperis on appeal without further authorization.

According to the Eighth Circuit’s Criminal Justice Act Plan, 8th Cir. App. I, it is for the Court of Appeals, not this Court, to determine whether to appoint counsel to represent Valentine in his appeal.

Accordingly,

IT IS ORDERED:

1. The Motion for Leave to Proceed In Forma Pauperis on Appeal, ECF No. 93, is granted;

2. The Motion to Appoint Counsel, ECF No. 94, is denied;
3. The Clerk of Court is directed to mail a copy of this Order to Defendant at his current address; and
4. The Clerk of Court is directed to send a copy of this Order to the Court of Appeals for the Eighth Circuit.

Dated this 25th day of August, 2020.

BY THE COURT:

s/Laurie Smith Camp
Senior United States District Judge